

HEARING AID DEALERS

CHAPTER 120	BOARD OF EXAMINERS FOR THE LICENSING AND REGULATION OF HEARING AID DEALERS
CHAPTER 121	CONTINUING EDUCATION FOR HEARING AID DEALERS

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BOARD OF EXAMINERS FOR THE LICENSING AND REGULATION
OF HEARING AID DEALERS

[Prior to 5/18/88, see Health Department[470], Ch 145]

645—120.1(154A) General information.

120.1(1) All information regarding rules, forms, time and place of meetings, minutes of meetings, records of hearings, and examination results are available to the public between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

120.1(2) Information may be obtained by writing to the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

120.1(3) Definitions. The board adopts herein by reference the definitions set out in Iowa Code chapter 154A.

120.1(4) Incomplete applications that have been on file for two years shall be considered invalid and be destroyed. The application fee is nonrefundable.

120.1(5) The board hereby adopts by reference the Code of Ethics of the International Hearing Society as published by the International Hearing Society, 20361 Middlebelt Road, Livonia, Michigan 48152, revised October 1996.

645—120.2(154A) Rules for examinations.

120.2(1) All applicants for examination shall apply to the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075 for application forms.

120.2(2) The forms properly filled in shall be filed with the division of professional licensure at least 30 days prior to the examination together with a check or money order in the amount specified in the application for the application fee and made payable to the Iowa Board of Examiners for Hearing Aid Dealers and with a check or money order in the amount specified in the application for the examination fee and made payable to the International Hearing Society. All fees are nonrefundable.

120.2(3) The date of the examinations may be obtained by writing to the Board of Examiners for the Licensing and Regulation of Hearing Aid Dealers, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

120.2(4) Any person furnishing false information or omitting pertinent information in such application shall be denied the right to take the examination. If the applicant has already been licensed before the falseness of such information has been made known to the board of examiners for the licensing and regulation of hearing aid dealers, such license shall be subject to suspension or revocation.

120.2(5) The passing grade on the examination shall be determined by the board of examiners for the licensing and regulation of hearing aid dealers.

120.2(6) Applicants must obtain either 70 percent on each section of the national examination or an overall score of 75 percent.

120.2(7) Applicants who fail the national examination one time may retake the examination to achieve either a passing grade for the failed section(s) or an overall passing grade. If an applicant does not achieve a passing grade upon retaking the section(s) failed, the applicant must retake the entire examination.

645—120.3(154A) Licensure by reciprocity. Applicants for licensure to practice as a hearing aid dealer in the state of Iowa who hold valid certificates or licenses to deal in and fit hearing aids in a state or jurisdiction which the board determines has requirements equivalent to or higher than those provided in Iowa Code chapter 154A may be issued an Iowa license by reciprocity.

645—120.4(154A) Temporary permits.

120.4(1) An application for a temporary permit must be accompanied by a statement of the employer setting forth the type of supervision which shall be given the trainee together with an outline of the training program to be followed in preparing the trainee for examination. The statement shall also show a list of the subjects to be covered and the books and other training material to be used. The employer shall be licensed as a hearing aid dealer in the state of Iowa.

120.4(2) The licensed hearing aid dealer employing the holder of a temporary permit shall be responsible for the training of the temporary permit holder.

120.4(3) The licensed hearing aid dealer who employs a temporary permit holder shall notify the board of examiners for the licensing and regulation of hearing aid dealers within 15 days from the termination of the employer and employee relationship.

120.4(4) The licensed hearing aid dealer who employs the holder of a temporary permit shall evaluate the audiograms and determine which hearing aid and ear mold would best compensate for hearing loss of a particular person.

645—120.5(154A) Renewal of license.

120.5(1) Beginning January 1, 1983, initial and renewal licenses as a hearing aid dealer shall be issued for a biennial period from January 1 of the odd-numbered year to December 31 of the next even-numbered year.

120.5(2) A renewal fee as prescribed on the renewal form shall be paid by each license holder to the state department of public health.

120.5(3) Each license holder shall also submit satisfactory evidence that educational requirements as stipulated in 120.6(2) have been completed with the required fee.

120.5(4) Hearing aid dealers who have not fulfilled the requirements for license renewal or an exemption by March 1 (odd year) of the licensure biennium will have a lapsed license and shall not engage in the practice of hearing aid dealer.

120.5(5) A late renewal fee will be assessed for failure to renew license by January 31 of the odd-numbered year.

This rule is intended to implement Iowa Code sections 147.80, 154A.15 and 272C.2.

645—120.6(154A) Display of license.

120.6(1) On the application to the board of examiners for the licensing and regulation of hearing aid dealers, each hearing aid dealer shall state the name and location of the office or place of business where his license will be regularly displayed. Such office shall be accessible to the public during business hours and shall contain adequate equipment and supplies for serving the needs of the licensee's clientele. If an applicant for a license as a hearing aid dealer or a person licensed as a hearing aid dealer does not intend to practice as a hearing aid dealer and signs a statement stating that the applicant or the licensee will not practice as a hearing aid dealer without notifying the board of examiners for the licensing and regulation of hearing aid dealers, the applicant or the licensee is exempt from complying with the requirements of this rule relating to display of license, office, and equipment until such time as the person does intend to sell hearing aids.

120.6(2) If the office is a part of a building, normally used as a residence, it shall be in a space set aside for this purpose only and have an entrance by which the public may have access to the office without going through any part of the residence.

120.6(3) If any case where the office of a license holder is to be removed from the address shown in the files of the board of examiners for the licensing and regulation of hearing aid dealers, notice of such change must be filed with the board of examiners for the licensing and regulation of hearing aid dealers together with the new address within 30 working days of such removal.

120.6(4) At the time a license is issued and on each renewal thereof, an identification card, bearing the expiration date of the license or renewal, will be issued to each license holder which shall be required to be kept in the possession of the licensee at all times during the performance of duties. On the request of any client or prospective client, a board of examiners for the licensing and regulation of hearing aid dealers member, state health department employee, or any peace officer, the licensee shall permit the identification card to be inspected for the purpose of identification or as proof that all current fees have been paid.

645—120.7(154A) Establish procedures and instrumentation. Except in cases of selling replacement hearing aids of the same make or model within one year of the original sale, a hearing aid shall not be sold without adequate diagnostic testing and evaluation using established procedures. Instruments shall be calibrated at least annually or more often if necessary to current standards. The dealer shall keep with the instruments a certificate indicating the date of calibration. Established procedures means use of pure tone air conduction and bone conduction and speech audiometry.

645—120.8(154A)* Filing and investigation of charges. Persons making a complaint before the board of examiners for the licensing and regulation of hearing aid dealers against any licensed or unlicensed hearing aid dealer must do so by filing with the board of examiners for the licensing and regulation of hearing aid dealers a writing setting forth the name of the hearing aid dealer, the nature of the acts complained of, and the time and place where the violation(s) occurred. The person making the complaint shall file the statement with the board of examiners within 12 months from the date of the action upon which the complaint is based.

645—120.9(154A) License fees. All fees are nonrefundable.

120.9(1) The application fee for a license to practice as a hearing aid dealer issued upon the basis of an examination or reciprocity is \$130. Check or money order should be made payable to the Iowa Board of Examiners for Hearing Aid Dealers. For those persons who are required to take the examination, the examination fee is an additional \$35 and check or money order should be made payable to the International Hearing Society. Both fees should be mailed with the application.

120.9(2) Fee for a renewal of a license to practice as a hearing aid dealer is \$130.

120.9(3) Fee for a temporary permit is \$35.

120.9(4) Fee for a certified statement that a is licensed in this state is \$10.

120.9(5) Fee for a duplicate license if the original is lost or stolen is \$10.

120.9(6) Fee for reinstatement of an inactive or lapsed license is \$100.

120.9(7) Fee for failure to renew license by January 31 of the odd-numbered year is \$50.

120.9(8) Fee for failure to obtain continuing education within the compliance period is \$100.

This rule is intended to implement Iowa Code sections 154A.15 and 154A.17.

*Objection, see filed rule published IAC Supp. 12/29/75.

645—120.10(154A) Supervision of temporary permit holders.

120.10(1) Any licensed hearing aid dealer acting as a supervisor of persons who are trainees with temporary permits shall have a current hearing aid dealer license that has been valid for the immediately preceding 12 months and one year of actual experience in testing, fitting, and dispensing of hearing aids.

120.10(2) Any licensed hearing aid dealer acting as a supervisor of persons who are trainees with temporary permits shall supervise not more than three trainees with temporary permits at the same time.

120.10(3) A trainee with a temporary permit shall have a minimum of ten hours of direct supervision, in sight and on-site, in the physical presence of the supervisor, per week for the first 90 days of supervised experience.

120.10(4) A trainee with a temporary permit shall not, independent of the supervisor, do any client evaluation or selection, fitting or selling of hearing aids before the completion of the first 30 days of supervised experience. All audiometric evaluations and contracts processed by the trainee shall be cosigned by the supervisor of the trainee for the duration of the temporary permit.

120.10(5) A trainee with a temporary permit is responsible for notifying the board within ten days in the event of an interruption of training by loss of supervision. The trainee is responsible for obtaining a replacement supervisor for continuance of the training period. In order to maintain the present training program, a statement signed by the replacement supervisor which states that the training program will be maintained shall be submitted to the board. If a statement by the replacement supervisor is not submitted, the trainee shall revert to new trainee status.

This rule is intended to implement Iowa Code section 154A.13.

645—120.11(272C) Suspension, revocation or probation. The board may revoke or suspend a license or temporary permit permanently or for a fixed period, or impose a civil penalty which shall not exceed \$1000 for any of the following causes:

120.11(1) Willful or repeated violations of the provisions of Iowa Code chapter 154.

120.11(2) Violation of the rules promulgated by the board.

120.11(3) Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

120.11(4) Fraud in representations as to skill or ability.

120.11(5) Personal disqualifications:

a. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

b. Involuntary commitment for treatment of mental illness, drug addiction or alcoholism.

120.11(6) Practicing the profession while license is suspended or lapsed.

120.11(7) Violating the terms of probation, settlement or decision and order.

120.11(8) Suspension or revocation of license by another state.

120.11(9) Negligence by the licensee in the practice of the profession, which is a failure to exercise due care including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

120.11(10) Prohibited acts consisting of the following:

- a.* Permitting an unlicensed employee or person under the licensee's control to perform activities requiring a license.
- b.* Permitting another person to use the person's license for any purpose.
- c.* Practice outside the scope of a license.
- d.* Obtaining, possessing, or attempting to obtain or possess a controlled substance without lawful authority; or selling, prescribing, giving away, or administering controlled substances.
- e.* Verbally or physically abusing clients.

120.11(11) Unethical business practices, consisting of any of the following:

- a.* Betrayal of a professional confidence.
- b.* Falsifying clients' records.
- c.* Advertising that hearing testing or hearing screening is for the purpose of detection of or diagnosis of medical problems or medical screening for referral to a physician.
- d.* Failure to place in an advertisement relating to hearing aids the hearing aid dealer's name, office address, and telephone number.

120.11(12) Failure to report a change of name or address within 30 days after it occurs.**120.11(13)** Submission of a false report of continuing education or failure to submit the biannual report of continuing education.**120.11(14)** Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.**120.11(15)** Failure to comply with a subpoena issued by the board.**120.11(16)** Failure to report to the board as provided in 645—Chapter 9 any violation by another licensee of the reasons for disciplinary action as listed in this rule.

This rule is intended to implement Iowa Code section 154A.24.

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